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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,087	08/01/2003	James T. Kirchen	13888	3205

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,087

Applicant(s)

KIRCHEN, JAMES T.

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8, 10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,039,523 to Kraus.

Kraus discloses a watertight grommet (4) for use in securing a pin (3) to a first object (2), the grommet comprising a head (42) having an undersurface from which extends an elongate body (57'), the body extending from the head in generally perpendicular relationship thereto (figure 38), the head and the body defining therethrough a bore (the bore formed through the grommet, figure 38) that is constructed and arranged to receive the pin, the head and the body being a single molded piece (figures 38 and 39), where the head and the grommet include a channel extending from an upper surface to the undersurface (the aperture which the sealing mechanism II extends through figure 38 and 39), a retention structure (the protrusions of 57', figure 35) coupled to the body, the retention structure being constructed and arranged with respect to the head of the grommet such that when the grommet is received within a bore (figure 35) formed in the first object, the head and the retention structure will engage opposing surfaces of the first object so as to securely retain the grommet within the bore formed therethrough (figure 35), a sealing mechanism (II) overmolded to the head of the grommet that is

Art Unit: 3676

constructed and arranged with a first portion (38) thereof forming a substantially water-tight seal between an undersurface of the head and a surface of the first object and a second portion (the portion of the sealing mechanism that extends into the bore, figure 39) thereof forming a substantially water-tight seal between the pin and the bore defined by the head and body of the grommet, the sealing mechanism being further constructed and arranged such that an upper portion of the sealing mechanism extends at least partially into the bore defined by the head and body of the grommet so as to form an interference fit (figures 35 and 39) between the sealing mechanism and the pin, and such that the sealing mechanism first and second portions are joined together as a single molded component (figures 38 and 39) through the channel in the head of the grommet, and a catchment mechanism comprising a first portion (10) formed into a shaft (5) of the pin and a second portion (14) formed into the body of the grommet, the first and second portions of the catchment mechanism being constructed and arranged to secure the pin within the grommet (column 7, lines 10-19), as in claim 1.

Kraus also discloses a lower portion of the sealing mechanism extends below an undersurface of the head of the grommet (38), as in claim 2, and forms circumferential seal (figure 35), as in claim 3, and the first portion of the catchment mechanism comprises at least one ridge (10) formed circumjacent to the pin, as in claim 6, and where the catchment mechanism is constructed and arranged to secure the pin within the grommet in a plurality of positions (column 7, lines 10-19), as in claim 7.

Kraus further discloses the catchment mechanism having a detent (10) formed upon an exterior surface of the pin such that when the pin is fully inserted into the bore defined by the body and head of the grommet, that portion of the pin having the detent formed thereon will

Art Unit: 3676

protrude beyond a distal end of the body of the grommet, the detent acting to prevent withdrawal of the pin from the grommet (column 7, lines 10-19), as in claim 8, and where the head of the grommet has a part formed therethrough configured for receiving the sealing mechanism overmolded integrally with the head of the grommet (the channel of the grommet receiving the sealing mechanism), as in claim 10, wherein the sealing mechanism is further configured such that a portion (the portion of the sealing mechanism above the head of the grommet, figure 40) of the sealing mechanism extends above the upper surface of the head of the grommet so as to be adapted to seal with a second object (figures 40, 41, 42a, and 42b), as in claim 12.

Kraus discloses a watertight grommet (4) for use in securing a pin (3) to a first object (2), the grommet comprising a head (42) having an undersurface from which extends an elongate body (57'), the body extending from the head in generally perpendicular relationship thereto (figure 38), the head and the body defining therethrough a bore (the bore formed through the grommet, figure 38) that is constructed and arranged to receive the pin, the head and the body being a single molded piece (figures 38 and 39), a retention structure (the protrusions of 57', figure 35) coupled to the body, the retention structure being constructed and arranged with respect to the head of the grommet such that when the grommet is received within a bore (figure 35) formed in the first object, the head and the retention structure will engage opposing surfaces of the first object so as to securely retain the grommet within the bore formed therethrough (figure 35), the arrangement of the pin and the retention structure being such that the pin is provided with a reduced diameter portion (the groove at the distal end of the pin) to provide a clearance space for the retention structure as the retention structure is inwardly deflected when the grommet is inserted into the bore formed in the first object (figures 35 and

Art Unit: 3676

38), a sealing mechanism (II) overmolded to the head of the grommet that is constructed and arranged with a first portion (38) thereof forming a substantially water-tight seal between an undersurface of the head and a surface of the first object and a second portion (the portion of the sealing mechanism the extends into the bore, figure 39) thereof forming a substantially water-tight seal between the pin and the bore defined by the head and body of the grommet, and a catchment mechanism comprising a first portion (10) formed into a shaft (5) of the pin and a second portion (14) formed into the body of the grommet, the first and second portions of the catchment mechanism being constructed and arranged to secure the pin within the grommet (column 7, lines 10-19), as in claim 13.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 6-8, 10, and 12-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to watertight grommets:

U.S. Patent Number 6,594,870 to Lambrecht et al., U.S. Patent Number 5,937,486 to Bockenheimer, U.S. Patent Number 5,857,244 to Edwards et al., U.S. Patent Number 5,850,676 to Takahashi et al., U.S. Patent Application Publication Number 2003/0194288 to Moerke et al.

Art Unit: 3676

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
September 16, 2005



BRIAN E. GLESSNER
PRIMARY EXAMINER